

REMARKS

By the above actions, claims 8 & 15 have been amended and a new claim 16 added. On the basis thereof and on the basis of the following remarks, further consideration of this application is requested.

The only outstanding issues relate to the definiteness of claim 8, all of the claims having been otherwise found to be allowable over the prior art, and new claim 16 being dependent from patentable claim 8. Accordingly, to place the application in condition for allowance, applicant has been adopted the Examiner's suggestion to change the first, second and opposite sides terminology to top and bottom sides in claims 8 & 15. Furthermore, the last clause of claim 8 has been amended to make it clear that oxidizer guide channels are provided at the bottom side of the fuel cell elements. In this regard, it is pointed out that the wording used is intended only to specify the location of the oxidizer guide channels with respect to the fuel cell elements with only new claim 16 being directed specifically to the oxidizer guide channels being provided directly in the separating plates, e.g., by a profiling of the separating plate located between the respective pair of fuel cell elements. With the above amendments, it is submitted that the claims are now clear and definite, so that the outstanding rejection under 35 USC § 112, second paragraph should be withdrawn and all of the claims formally allowed.

While this application should now be in condition for allowance, in the event that any issues should remain, or any new issues arise, which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone to resolve any such issue and thereby facilitate prompt approval of this application.

Respectfully submitted,



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